

BILL NO. G-97-11- //

GENERAL ORDINANCE NO.G- 17-97

**AN ORDINANCE AMENDING SECTION 99.009 (A)
(1) AND SECTION 99.020 (B) (1) OF THE CODE OF
ORDINANCES OF THE CITY OF FORT WAYNE,
INDIANA.**

WHEREAS, on August 6, 1997, the Board of Public Works passed a Resolution establishing
and fixing the amount charged for encroachment fees; and

WHEREAS, the Resolution Establishing Encroachment Fees fixes the fee for an
encroachment permit to be fifty dollars (\$50.00); and

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE
CITY OF FORT WAYNE, INDIANA:**

SECTION 1. That the Resolution of the Board of Public Works establishing the price for an
encroachment permit is hereby approved and ratified.

SECTION 2. That Section 99.009 (A) (1) of the Code of Ordinances of the City of Fort
Wayne, Indiana, be approved and ratified as follows:

Street Cut	\$ 55.00
Commercial driveway	\$200.00
Commercial driveway with auxiliary lanes	\$400.00
Commercial driveway reconstruction	\$ 30.00
Residential driveway	\$ 30.00
Residential driveway reconstruction	\$ 15.00
Sidewalk up to 100 lineal feet	\$ 15.00
Sidewalk, each additional 50 lineal feet	\$ 5.00
Sidewalk reconstruction	\$ 5.00
Parking lot to 100,000 square feet	\$ 50.00
Parking lot, second 100,000 square feet	\$ 25.00
Parking lot, each additional 50,000 sq. feet	\$ 15.00
Pole line	\$ 15.00
Oversize/Overweight	\$ 25.00
Access standards manual	\$ 2.00
Barricade	\$ 20.00
<u>Encroachment</u>	<u>\$ 50.00</u>

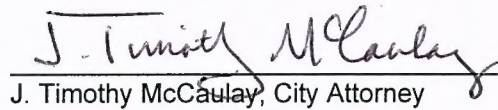
1 **SECTION 2.** That Section 99.020 (C) (1) of the Code of Ordinances of the City of Fort
2 Wayne, Indiana, be approved and ratified as follows:

3 **(C) (1)** The price of the permit **(as established and set in § 99.009).**

4 **SECTION 3.** That this Resolution shall be in full force and effect from and after its passage
5 and any and all necessary approval by the Mayor.

6
7 
8 _____
9 Council Member

10 APPROVED AS TO FORM AND LEGALITY

11 
12 _____
13 J. Timothy McCauley, City Attorney

RESOLUTION ESTABLISHING ENCROACHMENT FEES


WHEREAS, City Ordinance G-88-03-27 authorizes the Board of Public Works to grant encroachment permits and cost of said permits,

NOW THEREFORE, be it resolved by the Board of Public Works, that the price for an encroachment permit be established at fifty dollars (\$50.00) per encroachment, effective this August 6, 1997.


BOARD OF PUBLIC WORKS


Linda Buskirk - Chairman


C. James Owen, Member


John Stafford, Member

ATTEST:


Patricia J. Crick, Clerk

Dated this 6TH day of AUGUST 1997.

OBSTRUCTIONS AND ENCROACHMENTS**§ 99.020 OBSTRUCTING FREE PASSAGE UPON STREETS AND SIDEWALKS.**

(A) It shall be unlawful for any person to obstruct the free passage along and upon any street, sidewalk, space between sidewalk and curbing, or commonly traveled portion of a street or other public place, and to place or permit to be placed upon such street, sidewalk, space between sidewalk and curbing, or commonly traveled portion of a street or any other public place, any thing or object whatsoever so as to obstruct or block the use thereof, or so to endanger the life or limb, or property of other using such passage.

(B) The city by and through its Board of Public Safety, may grant a permit to exempt any person or organization from the prohibitions set out in the preceding paragraph.

(C) The city by and through its Board of Public Safety, shall enact rules and regulations governing the use of it rights-of-way by those persons or organizations granted a permit pursuant to paragraph (B) of this section. The rules and regulations may include:

- (1) The price of the permit.
- (2) Limitation on the size, location and duration of any structure placed on the city's rights-of-way.
- (3) A requirement that the permittee indemnify the city against any loss arising out of the use of the permit.
- (4) Any other matter affecting the public health, safety and welfare.

(D) The rules and regulations enacted by the Board of Public Safety shall be subject to subsequent ratification by resolution of the Common Council.
(74 Code, § 25-1) (Ord. G-06-88, passed 4-12-88)
Penalty, see § 99.999

§ 99.021 OBSTRUCTION OR USE OF STREETS AND SIDEWALKS IN WRECKING OR RAZING BUILDINGS.

It shall be unlawful for any person to wreck, raze or tear down any barn, house, building or other

structure upon any premises within the city, when by such wrecking, razing and tearing down, any portion of a street, sidewalk or other public space is used, blocked or obstructed in any manner, or where such building, house, barn or other structure is within 15 feet of any such street, sidewalk or other public place, unless such person shall have paid a permit fee of \$1 and received a permit to do so from the building department of the city and shall have posted with the city controller a bond with surety approved by the controller in the principal sum of \$2,000 payable to the city and indemnifying and holding harmless the city from any damage or loss by reason of a consequence of such wrecking, razing or tearing down. The term "building" herein shall mean any partially constructed building, remains or ruins of a partially destroyed barn, house, building or other structure.

(74 Code, § 25-2) Penalty, see § 99.999

§ 99.022 CORNER VISIBILITY SIGHT RESTRICTIONS.

(A) No fence, wall, hedge or other planting or other obstruction to vision, extending in excess of three feet above or hanging lower than eight feet above the established street center line grade shall be erected, planted or maintained in the areas described below, provided that this restriction shall not apply to buildings in the B-3A district:

- (1) A corner lot (The area bounded by the edges if intersecting roadways and a line intersecting such edge lines at points 40 feet distant from the intersection of the edge or roadway lines extended on their bearing before any deflection for the intersection).
- (2) A lot at the intersection of an alley (The area bounded by the edge of the roadway and the edge of the intersecting alley and a line intersecting such edge lines at points 90 feet distant on the roadway and 15 feet distant on the alley from the intersection of such edge lines extended on their

DIGEST SHEET

TITLE OF ORDINANCE GENERAL ORDINANCE

DEPARTMENT REQUESTING ORDINANCE BOARD OF PUBLIC WORKS

SYNOPSIS OF ORDINANCE 1. ESTABLISHES AND FIXES THE AMOUNT CHARGED FOR ENCROACHMENTS FEES APPROVED BY THE BOARD OF PUBLIC WORKS.

2. ADDS ENCROACHMENT FEE TO SECTION 99.009 (A) (1).

3. AMENDS SECTION 99.020 © (1) SPECIFYING ENCROACHMENT FEE AS ESTABLISHED AND SET IN SECTION 99.009 (A) (1)

EFFECT OF PASSAGE Approves and establishes the price for encroachment fees.

EFFECT OF NON-PASSAGE Price of encroachment fee is not established.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) _____


ASSIGNED TO COMMITTEE (PRESIDENT) _____

MEMORANDUM

TO: COMMON COUNCIL MEMBERS

DATE: NOVEMBER 21, 1997

RE: INTRODUCTION ESTABLISHING ENCROACHMENT FEES

FROM: Linda Buskirk, Director 
Board of Public Works

Under Home Rule Authority Common Council must approve and ratify all fees collected by the City of Fort Wayne.

The Board of Public Works passed a Resolution establishing Encroachment Fees on August 6, 1997.

The Director of the Board of Public Works recommends Council approve and ratify the Resolution Establishing Encroachment Fees.

Read the first time in full and on motion by Ravine,
and duly adopted, read the second time by title and referred to the Committee on
Regulations, (and the City Plan Commission for recommendation)
and Public Hearing to be held after due legal notice, at the Common Council Conference
Room 128, City-County Building, Fort Wayne, Indiana, on _____,
the _____ day of _____, 19____, at _____
o'clock _____ M., E.S.T.

DATED: 11-25-97

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Ravine,
and duly adopted, placed on its passage. PASSED
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>9</u>			
BENDER	<u>✓</u>			
CRAWFORD	<u>✓</u>			
EDMONDS	<u>✓</u>			
HALL	<u>✓</u>			
HAYHURST	<u>✓</u>			
HENRY	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			

DATED: 12-9-97

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana,
as (ANNEXATION) _____ (APPROPRIATION) _____ (GENERAL) _____ (SPECIAL) _____

(ZONING) _____ ORDINANCE _____ RESOLUTION NO. 2-17-97
on the 9th day of December, 1997

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

SEAL

Thomas P. Helmy
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the
10th day of December, 1997,
at the hour of 1:30 o'clock P. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 14th day
of December, 1997, at the hour of 1:00
o'clock P. M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

BILL NO. G-97-11-11

REPORT OF THE COMMITTEE ON REGULATIONS

REBECCA J. RAVINE - THOMAS E. HAYHURST - CO-CHAIR
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ amending Section 99.009 (A)(1)
and Section 99.020(B)(1) of the Code of Ordinances of the City of
Fort Wayne, Indiana

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) ~~(RESOLUTION)~~

DO PASS

DO NOT PASS

ABSTAIN

NO REC

<u>Thomas Hayhurst</u>			
<u>Walter D. Smith</u>			
<u>Patricia Smith</u>			
<u>MS. Schuman</u>			
<u>John W. C. Smith</u>			
<u>Deedra Hall</u>			
<u>William R. Edmonds</u>			

DATED: 12-9-97

Sandra E. Kennedy
City Clerk